
SENATE BILL No. 527

DIGEST OF INTRODUCED BILL

Citations Affected: IC 15-2.1.

Synopsis: Board of animal health issues. Provides the board of animal health (board) with authority over pests of animals and objects that could harbor a pest or disease. Allows the board to pay certain indemnity costs related to condemned animals and objects, including disposal and disinfection costs. Prohibits indemnity in certain circumstances. Removes the limit on the amount payable for cattle because of tuberculosis. Amends definitions of "dairy farm" and "milk plant". Allows the board to suspend various milk permits. Changes the expiration date of various milk permits. Repeals certain definitions. Makes technical amendments.

Effective: July 1, 2005.

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January 20, 2005, read first time and referred to Committee on Agriculture and Small Business.

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Introduced

First Regular Session 114th General Assembly (2005)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2004 Regular Session of the General Assembly.

SENATE BILL No. 527

A BILL FOR AN ACT to amend the Indiana Code concerning agriculture and animals.

Be it enacted by the General Assembly of the State of Indiana:

- 1 SECTION 1. IC 15-2.1-1-1 IS AMENDED TO READ AS
2 FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 1. It is the purpose of
3 this article to promote, ~~and~~ encourage, **and advance** the prevention,
4 ~~suppression,~~ **detection**, control, and eradication of ~~infectious,~~
5 ~~contagious and communicable~~ diseases **and pests** affecting:
6 (1) the health of animals within Indiana; and
7 (2) trade in animals and animal products in and from Indiana.
8 SECTION 2. IC 15-2.1-1-5 IS AMENDED TO READ AS
9 FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 5. It is the purpose of
10 this article to control and regulate the sanitary and health conditions
11 under which animals are brought upon, consigned to, sold, bartered, or
12 exchanged through, or removed from, the premises of auction sale
13 barns or community sales, to the end that the spread of ~~animal~~ diseases
14 **and pests of animals** in this state shall be controlled and also that the
15 public health and welfare of the citizens of this state shall be conserved
16 and protected.
17 SECTION 3. IC 15-2.1-2-2.5 IS AMENDED TO READ AS

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FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 2.5. "Animal" for purposes of IC 15-2.1-16, means domestic or wild animals, including livestock and poultry: a member of the animal kingdom, except humans.

SECTION 4. IC 15-2.1-2-3.4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 3.4. "Approved certificate of veterinary inspection" means an official health certificate or certificate of veterinary inspection that bears the approval of the chief livestock sanitary official of the state of origin.

SECTION 5. IC 15-2.1-2-12.7 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 12.7. "Dairy farm" means a place:

- (1) where at least one (1) **lactating** cow, sheep, or goat, **water buffalo, or other hoofed mammal** is kept; and
- (2) from which a part or all of the milk or milk products that are produced are provided, sold, or offered for sale to a milk plant, transfer station, or receiving station.

SECTION 6. IC 15-2.1-2-28.7 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 28.7. (a) "Milk plant" means a place, a premises, or an establishment where milk or milk products are collected, handled, processed, stored, **ultra** pasteurized, bottled, aseptically processed, **condensed, dried**, packaged, or prepared for distribution.

(b) The term does not include soft ice cream dispensers in restaurants as defined by the board.

SECTION 7. IC 15-2.1-2-29.9 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 29.9. "Move" means the following:

- (1) To carry, enter, import, mail, ship, or transport.
- (2) To aid, abet, cause, or induce carrying, entering, importing, mailing, shipping, or transporting.
- (3) To offer to carry, enter, import, mail, ship, or transport.
- (4) To receive in order to carry, enter, import, mail, ship, or transport.
- (5) To release into the environment.
- (6) To allow any of the activities described in this section.

SECTION 8. IC 15-2.1-2-31.1 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 31.1. "Object", for purposes of IC 15-2.1-1 through IC 15-2.1-18, means a pest or disease or a material or tangible thing that could harbor a pest or disease.

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SECTION 9. IC 15-2.1-2-31.3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 31.3. "Official health certificate" or **"official certificate of veterinary inspection"** means an official document issued by a state or federal representative or an accredited veterinarian that records a veterinary inspection of the animal, statements about the health of the animal, tests conducted on the animal, vaccinations given the animal, and other information about the animal and its movement that is required by a state or by the United States to be recorded.

SECTION 10. IC 15-2.1-2-39.1 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 39.1. **"Pest" means any of the following that can directly or indirectly injure, cause damage to, or cause disease in animals:**

- (1) A protozoan.
- (2) A plant.
- (3) A bacteria.
- (4) A fungus.
- (5) A virus or viroid.
- (6) An infectious agent or other pathogen.
- (7) An arthropod.
- (8) A parasite.
- (9) A prion.
- (10) A vector.
- (11) An organism similar to or allied with any of the organisms described in this section.

SECTION 11. IC 15-2.1-2-54 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 54. "Veterinarian" means a person authorized by law to practice veterinary medicine. ~~in~~ **this state:**

SECTION 12. IC 15-2.1-3-11 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 11. The board shall have general supervision of the prevention, ~~suppression,~~ **detection,** control, and eradication of ~~infectious, contagious and communicable~~ diseases **and pests** affecting the health of animals within and in transit through the state and the production, manufacture, and processing and distribution of products derived from animals to control health hazards that may threaten the public health and welfare of the citizens of Indiana.

SECTION 13. IC 15-2.1-3-13 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 13. In addition to the powers and duties given the board elsewhere in this article and

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otherwise by law, the board shall have the powers and duties as are reasonable and necessary to do the following:

(1) Provide for the quarantine of animals ~~affected with or that have been exposed to an infectious, contagious, or communicable disease.~~ **and objects to prevent, control, and eradicate diseases and pests of animals.**

(2) ~~Provide for and control the establishment~~ **Develop, adopt, and maintenance of implement programs and procedures for establishing and maintaining** accredited, certified, validated, or otherwise designated disease **or pest** free or disease **or pest** monitored **animals**, herds, flocks, or areas, including but not limited to the following:

(A) The ~~control establishment and accreditation~~ **maintenance** of herds that are ~~free of monitored for~~ disease **or pest** syndromes.

(B) The establishment and maintenance of certified or validated brucellosis free herds, **animals**, and areas.

(C) The establishment and maintenance of accredited tuberculosis free herds, **animals**, and areas.

~~(D) The establishment and maintenance of validated, monitored, certified, or other disease statuses for herds and areas.~~

(3) ~~Provide~~ **Develop, adopt, and implement** programs and plans for the prevention, **detection**, control, and eradication of ~~infectious, contagious, or communicable diseases in~~ **and pests of** animals.

(4) Control or prohibit, **by permit or other means**, the movement and transportation into, out of, or within the state, of animals and ~~the products of animals that objects in order to prevent, detect, control, or eradicate diseases and pests of animals.~~ **When implementing controls or prohibitions the board may consider whether animals or objects** are diseased, suspected to be diseased, or under quarantine, or ~~that originate whether they originated~~ from a country, a state, ~~or other an area, or a premises~~ that is known **or suspected** to harbor animals **or objects** infected with **or exposed to** a disease **or pest of animals.**

(5) Control **or prohibit** the public and private sale of animals **and objects** in order to prevent the spread of disease **and pests of animals.**

(6) Control the **use**, sanitation, and disinfection of public stockyards and the **use**, sanitation, and disinfection of ~~vehicles~~ **used as public carriers means of conveyances** for the

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transportation of animals **and objects** into and within ~~the state~~
Indiana to accomplish the objectives of this article.

(7) Control the ~~use~~, sanitation, and disinfection of ~~the premises,~~
~~buildings, sheds, lots, and other places or enclosures where~~
~~diseased animals have been confined:~~ **facilities, and equipment**
to accomplish the objectives of this article.

(8) Control the movement of animals **and objects** to, ~~and from,~~
and within premises where ~~infectious, contagious, or~~
~~communicable diseases or pests of animals may exist. or of~~
~~material that may carry or spread disease.~~

(9) Control the **movement and** disposal of carcasses of animals
and objects.

(10) Control the manufacture, sale, storage, distribution, handling,
and use of serums, vaccines, and other biologics and veterinary
drugs, except those drugs for human consumption regulated under
IC 16-42-19, to be used for the prevention, **detection**, control, and
eradication of disease ~~in and pests of~~ animals.

(11) Prescribe the means, methods, and procedures for and
otherwise control the vaccination **or other treatment of animals**
and objects and the conduct of tests for ~~disease diseases and~~
pests of animals.

(12) ~~Provide~~ **Develop, adopt, and implement plans and**
programs for the identification of animals, **objects, premises,**
and means of conveyances. Plans and programs may include
identification of animals or objects that have been condemned
for slaughter under provisions of this article and for the
identification of animals that have and have not satisfactorily
passed tests established for detecting the presence of an
~~infectious, contagious, or communicable disease:~~ **related to**
classification as to disease, testing, vaccination, or treatment
status.

(13) Establish the terms and method of appraisal **or other**
determination of value of animals **and objects** condemned for
slaughter under provisions of this article, the payment of any
indemnities that may be provided for such animals **and objects**,
and the regulation of the sale **or other disposition** of such
animals **or objects.**

(14) Control the sale of baby chicks.

(15) Cooperate and enter into agreements with the appropriate
departments and agencies of this state, of any other state, or of the
federal government for the purpose of preventing, **detecting**,
controlling, and eradicating ~~infectious, contagious, and~~

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~~communicable~~ diseases **and pests** of animals.

(16) Control or prohibit the movement and transportation into, out of, or within the state, of wild animals, ~~or including~~ birds, that might carry or disseminate diseases ~~to~~ **or pests of** animals. ~~or birds in Indiana.~~

(17) Provide for condemning or abating conditions ~~causative of disease in that cause, aggravate, spread, or harbor diseases or~~ **pests of** animals.

(18) Establish and designate, in addition to the disease testing service laboratory at Purdue University, other laboratories as may be necessary to make tests of any nature for ~~disease.~~ **diseases and pests of animals.**

(19) ~~Cause investigations to be made as to~~ **Investigate, develop, and implement** the best methods for the prevention, **detection,** control, suppression, or eradication of ~~contagious, infectious, or communicable~~ diseases **affecting and pests of** animals.

(20) Investigate, gather, and compile information concerning the organization, business conduct, practices, and management of any **registrant,** licensee, permittee, applicant for a license, or applicant for a permit.

(21) Investigate allegations of unregistered, unlicensed, and unpermitted activities.

~~(21)~~ **(22)** Institute legal action in the name of the state of Indiana as is necessary to enforce its orders and regulations and the provisions of this article.

~~(22)~~ **(23)** Control the collection, transportation, and cooking of garbage to be fed to swine **or other animals** and all matters of sanitation relating thereto affecting the health of swine **or other animals and** affecting public health and comfort.

~~(23)~~ **(24)** Adopt an appropriate seal.

~~(24)~~ **(25)** Issue orders as an aid to enforcement of the powers granted it by this article **and IC 15-5-14.**

~~(25)~~ **(26)** Control disposal plants and byproducts collection services and all matters connected thereto.

~~(26)~~ **(27)** Abate biological or chemical substances that:

(A) remain in or on any animal before or at the time of slaughter as a result of treatment or exposure; and

(B) are found by the board to be or have the potential of being injurious to the health of animals or humans.

~~(27)~~ **(28)** Regulate the production, manufacture, processing, and distribution of products derived from animals to control health hazards that may threaten **animal health,** the public health and

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welfare of the citizens of Indiana, and the trade in animals and animal products in and from Indiana.

~~(28)~~ **(29)** Cooperate and coordinate with local, state, and federal emergency management agencies to plan and implement disaster emergency plans and programs as they relate to animals in Indiana.

~~(29)~~ **(30)** Assist law enforcement agencies investigating allegations of cruelty and neglect of animals.

~~(30)~~ **(31)** Assist organizations that represent livestock producers with issues and programs related to the care of livestock.

SECTION 14. IC 15-2.1-3-14 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 14. **(a)** The board or its agent may make sanitary inspections and surveys in all parts of this state, and shall have the right to enter upon any public or private property where any animals **or objects** are at the time quartered, ~~or including~~ wherever the carcass of any animal may be, for the purpose of inspecting such property, examining such animals **or objects**, conducting tests in regard to the presence of ~~an infectious, contagious, or communicable disease~~ **diseases or pests** of animals and the possible cause and sources of such disease **or pest**, and for performing any other function authorized by this article.

(b) The board or the board's agent may hold, seize, quarantine, treat, destroy, dispose of, or take other remedial action with respect to any animal or progeny of any animal, object, or means of conveyance that the board or the board's agent:

(1) has reason to believe:

(A) may carry, may have carried, or may have been affected by or exposed to any disease or pest of animals; or

(B) violates this article or a rule adopted under this article;

(2) finds is not being maintained or has not been maintained in accordance with a quarantine or condition imposed under this article, a rule adopted under this article, or an order issued under this article; or

(3) determines must be acted upon to prevent the dissemination of a disease or pest of animals.

SECTION 15. IC 15-2.1-7-7 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 7. Owners of cattle, goats, and cervids that are destroyed because they have shown a positive reaction to a tuberculin test, or because they have been exposed by reason of association with tubercular animals, shall be indemnified for such animals in accordance with rules of the board and the United States Department of Agriculture. Payment by the state may

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not exceed the per animal limit set in the rules of the board. ~~Payment for cattle may not be more than three hundred and fifty dollars (\$350) per animal.~~ Joint federal-state indemnity, plus salvage, may not exceed the appraised value of each animal. State indemnity may not exceed federal indemnity on each animal. No indemnity may be paid for cattle reacting to a tuberculin test which has been applied by any veterinarian other than the state veterinarian, ~~his~~ **the state veterinarian's** agent, or an agent of the United States Department of Agriculture.

SECTION 16. IC 15-2.1-18-11 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 11. ~~Inspection of Suspected Dangerous or Diseased Animals.~~ The state veterinarian or ~~his~~ **the state veterinarian's** agent shall make an examination of animals **and objects** suspected to be dangerous or diseased and shall enforce the laws, ~~regulations~~ **rules**, and orders relating thereto.

SECTION 17. IC 15-2.1-18-12 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 12. ~~Authority Given USDA.~~ The agents of the United States department of agriculture shall have the right of inspection, testing, quarantine, and condemnation of animals **and objects** within this state affected with any ~~contagious or infectious~~ **disease or pest of animals**, suspected to be so affected, or that may have been exposed to any such disease **or pest of animals**. For such purposes, they may enter upon any ground or premises and may call upon the sheriffs, constables, and other peace officers to assist them in the discharge of their duties. Such sheriffs, constables, or peace officers shall assist such inspectors when so requested, and such inspectors shall have the same power and protection as peace officers, when engaged in the discharge of their duties. However, this state shall not be liable for any damages or expenses caused or made by such inspectors.

SECTION 18. IC 15-2.1-18-13 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 13. Whenever the governor has good reason to believe that any disease **or pest of animals** has ~~become epidemic in another state~~ **been discovered** and that the importation of animals or ~~products derived from animals~~ **objects** from ~~that another state, or the movement of animals or objects within Indiana,~~ would be injurious to the health of the citizens or the animals of this state, the governor may, on the recommendation of the board, ~~designate such locality~~ by proclamation ~~and~~ prohibit the entry **into or other movement within Indiana of animals and objects**, or stipulate the conditions under which animals and ~~products derived from animals of the type diseased or animals exposed to the disease~~ **objects** may enter ~~the state.~~ **or move within Indiana.**

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SECTION 19. IC 15-2.1-18-14 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 14. **(a) Except as provided in subsection (b), the owner of any animal feed, or other material object condemned by the board shall be indemnified in accordance with this article and regulations governing the payment of indemnity by the state or by the state in cooperation with the federal government. The length of time in which any of the condemned animals have been in the state which are condemned under this article shall in no way be controlling with respect to the payment of indemnity. The board or the board's agent shall determine indemnity amounts based on appraisals or other determinations of value made in accordance with:**

(1) rules and policies adopted by the board; or

(2) laws and policies of the federal government;

that govern indemnity payments.

(b) The board is not required to indemnify objects that are adulterated, misbranded, or condemned under IC 15-2.1-23, IC 15-2.1-24, or IC 16-42.

(c) The board may pay the cost of transporting, testing, treating, euthanizing, destroying, and disposing of infected, exposed, or suspect animals and objects.

(d) The board may pay the cost of cleaning and disinfecting for purposes allowed under this article.

SECTION 20. IC 15-2.1-18-15 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 15. **No (a) Except as provided in subsection (b), an indemnity payment shall not be made for the following:**

(1) Animals or objects belonging to the United States.

(2) Animals or objects belonging to this state.

(3) Animals or objects brought into the state contrary to or moved in violation of this article, the rules of the board, or an agreement for the control of diseases or pests.

(4) Animals which were previously affected by any other disease or pest, which, from its nature and development, was incurable and necessarily fatal.

(5) Animals or objects affected with disease which or pest of animals that the owner purchased, knowing that the animals or objects were infected with or exposed to a disease or pest of animals, including animals or objects purchased from a place where a contagious disease or pest of animals was known to exist. or

(6) Any cattle which may react animal or object that the owner

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1 or the owner's agent intentionally infects with or exposes to
 2 any test for brucellosis made under the provisions of this article:
 3 a disease or pest of animals.

4 (7) Any animal or object for which the owner received
 5 indemnity or reimbursement from any other source.

6 (b) The board may pay indemnity for animals or objects
 7 described in subsection (a)(3) through (a)(5) if the board finds that
 8 payment of indemnity is necessary to accomplish the purposes of
 9 this article.

10 SECTION 21. IC 15-2.1-18-16 IS AMENDED TO READ AS
 11 FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 16. The board or its
 12 agent may condemn and control the disposition thereof; after
 13 satisfactory appraisal has been made in accordance with the regulations
 14 of the board or the United States department of agriculture; any animal
 15 affected or object infected with or exposed to, or suspected to be
 16 infected with or exposed to, foot and mouth disease, glanders, or such
 17 other diseases which present unforeseeable aspects; insofar as control
 18 and eradication or pests of such diseases is concerned and which,
 19 animals that, in the opinion of the board, present are a definite health
 20 hazard to the livestock industry, or other animals, or the citizens of the
 21 state. Feed or other material **Objects infected with**, exposed to, or
 22 **suspected to be infected with or exposed to** such diseases or pests of
 23 **animals** may likewise be condemned after appraisal and shall be
 24 destroyed or disposed of in such a manner as the board may direct.

25 SECTION 22. IC 15-2.1-18-16.5 IS AMENDED TO READ AS
 26 FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 16.5. The board may
 27 purchase an animal or object for the purpose of diagnosing, evaluating,
 28 preventing, **detecting**, controlling, and eradicating diseases that present
 29 a definite health hazard to the livestock industry or other and pests of
 30 animals. in Indiana:

31 SECTION 23. IC 15-2.1-18-21 IS AMENDED TO READ AS
 32 FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 21. If the board
 33 determines that a disease or pest of animals presents a definite health
 34 hazard to the citizens or animals of the state, the following action may
 35 be taken:

36 (1) The board may adopt emergency rules under IC 4-22-2-37.1
 37 that provide for any of **facilitate the prevention, detection,**
 38 **control, and eradication of the disease or pest of animals,**
 39 **including** the following:

40 (A) Prohibit or impose conditions on importing animals and
 41 products derived from animals **objects** into the state.

42 (B) Require testing of animals and products derived from

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~~animals; objects.~~

(C) Require vaccination **or other treatment** of animals **and objects.**

(D) ~~Restrict~~ **Prohibit or impose conditions on** moving animals and ~~products derived from animals~~ **objects** within the state.

(E) Govern the disposition of animals and objects.

~~(E)~~ **(F)** Impose other measures governing animals and products derived from animals **objects** to protect the citizens and animals of the state from ~~disease; diseases and pests of~~ **animals.**

(2) The state veterinarian may issue emergency orders under IC 4-21.5-4 governing animals and ~~products derived from animals; objects~~ in order to protect the citizens and animals of the state from ~~disease; diseases and pests of animals.~~

SECTION 24. IC 15-2.1-18-22 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 22. If the board determines that a disease **epidemic or pest of animals** has or is imminently likely to result in a large number of dead animals, the board may facilitate the prompt disposal of the dead animals by adopting an emergency rule under IC 4-22-2-37.1 that amends or suspends:

(1) IC 15-2.1-16; and

(2) any rule adopted by the board that governs the disposal of dead animals.

SECTION 25. IC 15-2.1-18-23 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 23. If the board determines that ~~an animal~~ a disease **or pest of animals** presents a ~~definite~~ hazard to the citizens or animals of the state, the board may: ~~declare an animal health emergency; If an animal health emergency is declared, the board may:~~

(1) use funds appropriated to the board by the general assembly for indemnity or any other purpose; and

(2) submit to the budget agency a request for additional funds under IC 4-12-1-15 or any other prescribed procedure **and use any funds received;**

for the purpose of addressing the ~~animal health emergency; hazard.~~

SECTION 26. IC 15-2.1-23-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 2. (a) A person who operates a milk plant, operates a receiving station or transfer station, acts as a milk distributor, acts as a bulk milk hauler/sampler, operates a milk tank truck, operates a dairy farm, operates a milk tank truck cleaning facility, operates a business that manufactures containers for

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1 milk or milk products, or any other person who does not possess a
2 permit from the board may not:

- 3 (1) bring, send, or receive into Indiana for sale;
- 4 (2) sell or offer for sale in Indiana; or
- 5 (3) store in Indiana;

6 any milk or milk products. Grocery stores, restaurants, soda fountains,
7 and similar establishments where milk or milk products are served or
8 sold at retail, but not processed, are exempt from the requirements of
9 this section. The board may recognize a permit issued by another state
10 for a truck used to transport milk instead of issuing an Indiana permit
11 for the same truck.

12 (b) A person desiring a permit required by this chapter must make
13 written application, in the form prescribed by the board, to the board
14 for such a permit.

15 (c) Only a person who complies with this chapter is entitled to
16 receive and retain a permit. Permits are not transferable with respect to
17 persons or locations.

18 (d) The board ~~shall~~ **may** suspend a permit whenever:

- 19 (1) there is reason to believe that a public health hazard exists;
- 20 (2) the permit holder has violated any of the requirements of this
- 21 chapter; or
- 22 (3) the permit holder has interfered with the board in the
- 23 performance of the board's duties.

24 (e) The board shall:

- 25 (1) in all cases except where the milk or milk product involved
- 26 creates or appears to create an imminent hazard to the public
- 27 health; or
- 28 (2) in any case of a willful refusal to permit authorized inspection;
- 29 serve upon the holder a written notice of intent to suspend the permit
- 30 under IC 4-21.5. A suspension of a permit is effective immediately and
- 31 remains in effect until the violation has been corrected to the
- 32 satisfaction of the board.

33 (f) When a permit suspension has been due to a violation of any of
34 the bacterial, coliform, somatic cell, or cooling temperature standards,
35 the board shall, not later than one (1) week after the receipt of a written
36 application for reinstatement of a permit, issue a temporary permit after
37 determining by an inspection of the facilities and operating methods
38 that the conditions responsible for the violation have been corrected.
39 Samples must then be taken at the rate of not more than two (2) per
40 week on separate days within a three (3) week period, and the board
41 shall reinstate the permit upon compliance with the appropriate
42 standard, as determined in accordance with section 5 of this chapter.

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(g) If a permit suspension was due to a violation of a drug residue test requirement or a requirement other than the bacteriological, coliform, somatic cell, or cooling temperature standards, the application for reinstatement must contain a written statement to the effect that the violation has been corrected. Not later than one (1) week after the receipt of an application, the board shall make an inspection of the applicant's establishment and as many subsequent additional inspections as are considered necessary to determine that the applicant's establishment is complying with the requirements. When the findings justify, the permit must be reinstated. If a permit suspension is due to drug residues, the permit shall be reinstated in accordance with section 6.5 of this chapter.

(h) The board may refuse to issue or reissue, may suspend for a definite time, or may revoke permits issued under this chapter for repeated violations of this chapter or a rule adopted by the board. The issuance or revocation of a permit under this section must be conducted in accordance with IC 4-21.5.

(i) A permit issued under this chapter expires as follows:

(1) A bulk milk hauler/sampler permit expires on December 31 of the third year after the year in which the permit was issued.

(2) A dairy farm permit expires upon an action listed in subdivisions (4) through (6).

(+) (3) A permit, other than a bulk milk hauler/sampler permit and a dairy farm permit, expires on December 31 of the year in which the permit was issued. Permits issued within the last three (3) months of a year may be issued to expire on December 31 of the following year.

(-) (4) Upon discontinuance of operation for a period of ninety (90) days.

(-) (5) Upon the expiration of the permit or the revocation of the permit by the board.

(+) (6) Upon the sale or other transfer of an operation to a different owner or operator.

(-) (7) For a milk distributor, milk plant, receiving station, transfer station, or milk tank truck cleaning facility, a transfer of the place of business from one (1) building or room to another.

(j) The board may adopt rules under IC 4-22-2 to implement this section.

SECTION 27. IC 15-2.1-24-19 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 19. (a) A person subject to this chapter that has not been approved for inspection may

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not offer for sale meat or poultry, a meat food product, or a poultry product in commerce in Indiana.

(b) The board may **take the following actions for a violation of this section:**

(1) Issue an order of compliance under IC 4-21.5-3-6, IC 4-21.5-3-8, or IC 4-21.5-4.

(2) Levy a civil penalty under ~~IC 4-21.5-3-8~~, or **IC 4-21.5-3-6**.

(3) ~~do~~ Both of the actions listed in subdivisions (1) and (2).
for a violation of this section.

(c) The board may, by rules adopted under IC 4-22-2, adopt a schedule of civil penalties that may be levied for violations of this section. A penalty included in the schedule of civil penalties may not exceed one thousand dollars (\$1,000) per violation for each day of the violation.

SECTION 28. THE FOLLOWING ARE REPEALED [EFFECTIVE JULY 1, 2005]: IC 15-2.1-2-4; IC 15-2.1-2-32.

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